

UNITED STATES OF AMERICA )  
 )  
 vs. ) ORDER  
 )  
 EMMANUEL CLIFTON )  
 \_\_\_\_\_ )

All pretrial motions must be in writing and must be filed within sixty (60) days from the date of this Arraignment Order, or the date on which counsel is appointed or makes a general appearance, whichever occurs last. Motions not timely filed will be summarily denied.

nearly one month after the deadline stated in the Scheduling Order and only six business days prior to the scheduled trial date.<sup>3</sup> The defendant did not request leave to file the motion late, nor did he state any cause for doing so.<sup>4</sup> Accordingly, the motion is subject to dismissal. United States v. Johnson, 953 F.2d 110, 115-116 (4th Cir. 1991).

**IT IS, THEREFORE, ORDERED**, that the defendant's motion to suppress is DENIED without prejudice.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney.

Signed: December 8, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge



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<sup>3</sup>The Court ordinarily allows the government ten business days to respond to a motion to suppress.

<sup>4</sup>A court may grant relief for good cause where party waives a Rule 12(b)(3) issue by failing to comply with a Rule 12(c) deadline. Fed. R. Crim. P. 12(e). Here, the defendant indicated in a footnote that the government provided discovery on November 7, 2006. (Doc. No. 14: Motion at 1 n.1). The motion does not state what efforts were made to obtain discovery prior to that date, including reviewing "open file" discovery in the United States Attorney's Office. (See Doc. No. 10: Order (requiring government to allow defense counsel to inspect and photocopy discoverable information or to provide photocopies of such material)).